EUROPEAN COURT OF HUMAN RIGHTS
COUR EUROPÉENNE DES DROITS DE L'HOMME

FIRST SECTION

DECISION

Application no. 10223/16
Rafał CYBULSKI
against Poland

The European Court of Human Rights (First Section), sitting on 26 September 2017 as a Committee composed of:

Aleš Pejchal, *President,*
Krzysztof Wojtyczek,
Jovan Ilievski, *judges,*

and Renata Degener, *Deputy Section Registrar,*

Having regard to the above application lodged on 5 February 2016,

Having regard to the formal declarations accepting a friendly settlement of the case,

Having deliberated, decides as follows:

FACTS AND PROCEDURE

1. The applicant, Mr Rafał Cybulski, is a Polish national, who was born in 1988 and lives in Warsaw. He was represented before the Court by Ms M. Gąsiorowska, a lawyer practising in Warsaw.

2. The Polish Government ("the Government") were represented by their Agent, Ms J. Chrzanowska, of the Ministry of Foreign Affairs.

3. The applicant complained under Article 5 § 3 of the Convention about the unreasonable length of detention on remand.

4. On 7 and 24 June 2017 the Court received friendly settlement declarations signed by the parties under which the applicant agreed to waive any further claims against Poland in respect of the facts giving rise to this application against an undertaking by the Government to pay him 5,500 euros to cover any pecuniary and non-pecuniary damage as well as costs and expenses, which will be converted into Polish zlotys at the rate applicable on the date of payment, and will be free of any taxes that may be

applicable. It will be payable within three months from the date of notification of the decision taken by the Court. In the event of failure to pay this sum within the said three-month period, the Government undertook to pay simple interest on it, from the expiry of that period until settlement, at a rate equal to the marginal lending rate of the European Central Bank during the default period plus three percentage points. The payment will constitute the final resolution of the case.

THE LAW

5. The Court takes note of the friendly settlement reached between the parties. It is satisfied that the settlement is based on respect for human rights as defined in the Convention and its Protocols and finds no reasons to justify a continued examination of the application. In view of the above, it is appropriate to strike the case out of the list.

For these reasons, the Court, unanimously,

Decides to strike the application out of its list of cases in accordance with Article 39 of the Convention.

Done in English and notified in writing on 19 October 2017.

Renata Degener
Deputy Registrar

Aleš Pejchal
President